

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PETER D'AGOSTINO,	:	
Plaintiff,	:	CIVIL ACTION NO. 11-7728
	:	
v.	:	
	:	
MONTGOMERY COUNTY, et al.,	:	
Defendants.	:	
	:	

ORDER

AND NOW, this 9th day of February 2012, upon review of Defendant's Motion to Dismiss [Doc. No. 5] and Plaintiffs's Response thereto [Doc. No. 9], and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that the Motion is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUFÉ, J.